

10/532 349

DEPT REF



PATENT AND TRADEMARK OFFICE  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 MAY 12 PM 3:10

Refund Section- Accounting Division  
Office of Finance

US PATENT & TRADEMARK  
OFFICE

In Re Application of: Wolfgang OSWALD

Serial No.: 10/532349

Filed: April 22, 2005

Title: METHOD AND DEVICE FOR PENETRATING  
FILE-TYPE SUBSTANCES

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the above identified case, deposit account 06-1358 has been improperly debited. By this paper, a credit to deposit account 06-1358 is requested. An explanation of the debiting error is set out below, and copies of all documents in support of this request are attached.

Explanation of Error:

- ☐ Large Entity fee charged to Small Entity
- ☒ Fee should not have been charged to PTO account because it was paid by American Express (PTO Form 2038)
- ☐ PTO miscalculation
- ☐ Unknown and unidentifiable PTO charge

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Type of Charge and Amount of Refund Requested:

<u>X</u> National stage search fee	\$ <u>400.00</u>
TOTAL REFUND REQUESTED	\$ <u>400.00</u>

Comments:

The above captioned application was filed at the USPTO on April 22, 2005 along with a PTO Form 2038 asking for the fees to be charged to our American Express account. On April 28, 2005, undersigned counsel's American Express account (copy of page from PTO enclosed) was charged \$300, \$500, \$200 and \$40 for government fees totaling \$1,040.


On October 6, 2006, undersigned counsel's deposit account (copy enclosed) was charged a duplicate \$400 charge for the search fee which was already charged to our American Express account. Therefore, it is requested that the duplicate \$400 charge which is in error be credited to undersigned counsel's deposit account 06-1358.

Attached Documents:

X Deposit account statement (highlighted); Copy printout from PTO for American Express charges; Transmittal Letter and date receipted postcard

Respectfully submitted

JACOBSON HOLMAN PLLC

By   
John C. Holman  
Registration No. 22,769  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2218  
(202) 638-6666

I.D.: JCH/dls  
Folio: P70533US0  
Date: May 12, 2006

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Requested Statement Month:	October 2005
Deposit Account Number:	061358
Name:	JACOBSON PRICE HOLMAN & STERN
Attention:	BRUCE LETCHWORTH
Address:	400 SEVENTH STREET, N. W.
City:	WASHINGTON
State:	DC
Zip:	20004
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL	
10/04	5	2947057 T31184USO		6214	\$100.00	\$13,034.74	HBJ
10/04	105	60483010 1 P6894USO		8007	\$20.00	\$13,014.74	JCH
10/05	5	2947057 T31184USO		6214	-\$100.00	\$13,114.74	HBJ
10/05	6	2947057 T31184USO		6214	\$100.00	\$13,014.74	HBJ
10/06	1	2947057 T31184USO		6214	-\$100.00	\$13,114.74	
10/06	2	2947057 T31184USO		6212	-\$100.00	\$13,014.74	
10/06	15	10532349 P70533USO		1642	\$400.00	\$12,614.74	JCH
10/11	207	60699366 LHS P70731USO		8007	\$20.00	\$12,594.74	SLM
10/12	1	10415665 P68842USO		2202	\$25.00	\$12,569.74	WFP
10/12	6	10695441 P67936USO		1201	\$200.00	\$12,369.74	ASM
10/12	80	2956723 T31528USO		8503	\$15.00	\$12,354.74	HBJ
10/13	40	10505885 P70065USO		8021	\$40.00	\$12,314.74	JCH
10/13	349	10967305 1 P70184USO		8007	\$120.00	\$12,194.74	HBJ
10/14	1	10030076 P67506USO		1253	\$1,020.00	\$11,174.74	JCH
10/14	158	60615594 P70169USO		8007	\$20.00	\$11,154.74	HBJ
10/14	159	60615595 P70168USO		8007	\$20.00	\$11,134.74	HBJ
10/14	269	60625115 11472/P70233USO		8007	\$20.00	\$11,114.74	JCH
10/19	7	10398513 P68756USO		2201	\$200.00	\$10,914.74	JLS
10/21	213	10498516 P69853USO		8021	\$40.00	\$10,874.74	WEP
10/24	6	10509950 P67772US1		1617	-\$130.00	\$11,004.74	WEP
10/27	146	78695796 MGG T35394USO		8513	\$50.00	\$10,954.74	m66
10/27	261	29234544 P70621USO		1806	\$180.00	\$10,774.74	JLS
10/28	1	76477928 T33819USO		6004	\$300.00	\$10,474.74	m66
10/28	5	10110140 P68450USO		1252	\$330.00	\$10,144.74	JCH

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
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4/28/2005	4/28/2005 8:24	\$400.00	6201	1004712
4/28/2005	4/28/2005 8:24	\$100.00	6203	1004712
4/28/2005	4/28/2005 8:24	\$100.00	6206	1004712
4/28/2005	4/28/2005 9:28	\$900.00	1551	6305844
4/28/2005	4/28/2005 10:22	\$790.00	1801	9813916 P66515US0
4/28/2005	4/28/2005 7:52	\$300.00	1631	10532348 P70555US0
4/28/2005	4/28/2005 7:52	\$500.00	1632	10532348 P70555US0
4/28/2005	4/28/2005 7:52	\$200.00	1633	10532348 P70555US0
4/28/2005	4/28/2005 7:52	\$130.00	1617	10532348 P70555US0
4/28/2005	4/28/2005 7:53	\$300.00	1631	10532349 P70533US0
4/28/2005	4/28/2005 7:53	\$500.00	1632	10532349 P70533US0
4/28/2005	4/28/2005 7:53	\$200.00	1633	10532349 P70533US0
4/28/2005	4/28/2005 7:53	\$40.00	8021	10532349 P70533US0
4/28/2005	4/27/2005 20:08	\$1,400.00	1501	10668213 P69045US0
4/28/2005	4/27/2005 20:08	\$300.00	1504	10668213 P69045US0
4/28/2005	4/28/2005 10:57	\$300.00	1011	11115337 P70558US0
4/28/2005	4/28/2005 10:57	\$500.00	1111	11115337 P70558US0
4/28/2005	4/28/2005 10:57	\$200.00	1311	11115337 P70558US0
4/28/2005	4/28/2005 10:57	\$500.00	1202	11115337 P70558US0

Att/Booklet: F70633USO

SerialNo: NewUSNationalPhaseApplication

Applicant: OSWAID

FilingDate: 05/12/2005

Today's Date: April 23, 2005

The following has been received in the US Patent & Trademark Office on the date stamped hereon:

X International Amendment  
X International Search Report (210)  
X First Page of Publ  
X IPRER (109)  
X 10 pg. Spec. with 10 claims with abstract  
X 2 Sheets of drawings  
X Declaration and Oath of Attorney  
X Assignment document and cover sheet

Credit Card from charge of \$1040.00

Due Date: April 23, 2005

J003ReccdPCT/PIO 22 APR 2005

EARLY SERIAL NO. 10/1532349

JACOBSON HOIYANP ETC  
400 SEVENTH STREET NW  
WASHINGTON, DC 20004

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		
INTERNATIONAL APPLICATION NO. <b>PCT/AT03/000319</b>	INTERNATIONAL FILING DATE <b>23 October 2003</b>	HENNEY'S DOCKET NUMBER <b>P70533US0</b> <small>US APPLICATION NO. (If known, see 37 CFR 1.5)</small>
TITLE OF INVENTION <b>METHOD AND DEVICE FOR PENETRATING FILM-TYPE SUBSTRATES</b>		
APPLICANT(S) FOR DO/EO/US <b>Wolfgang OSWALD</b>		

Applicant herein submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for Internatl. Preliminary Examination was made by the 19th month from earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is hereby incorporated by reference and
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the Internatl. Preliminary Examination report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

International Search Report  
 First Page of Publication  
 International Preliminary Examination Report - with no annexes

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US APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
		<b>PCT/AT03/000319</b>		<b>P70533US0</b>	

<b>17. <input checked="" type="checkbox"/> The following fees are submitted:</b> a) Basic national fee ..... \$300.00 b) Examination fee ..... \$200.00 c) Search fee ..... \$500.00  <div style="text-align: right;"> <b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b> </div>				<b>CALCULATIONS</b>     <b>\$1000.00</b>	<b>PTO USE ONLY</b>
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Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	Rate		
*** - 100 = ***	*** / 50 =	****	x 250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	10 - 20 =	-0-	x \$50.00	\$	
Independent Claims	2 - 3 =	-0-	x \$200.00	\$	
Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1000.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$ 1000.00	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 1000.00	
Fee of \$40.00 for recording the enclosed assignment (37 CFR 1.21(h)). Assignment must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31).				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1040.00	

a. ☒ A Credit Card Payment Form authorizing the amount of \$ 1040.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 06-1358 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge my account any additional fees set forth in § 1.492 during the pendency of this application, or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

**SEND ALL CORRESPONDENCE TO:**

**JACOBSON HOLMAN PLLC**  
 400 7th Street, N.W., Suite 600  
 Washington, DC 20004  
 202-638-6666  
**CUSTOMER NUMBER: 00136**

By \_\_\_\_\_  
 John C. Holman  
 Reg. No. 22,769

JPH&S 12/04

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